

REMARKS

This responds to the Office Action mailed on November 26, 2007.

Claim 14 is amended and no claims are canceled or added; as a result, claims 1-25 remain pending in this application.

§101 Rejection of the Claims

Claims 18-25 were rejected under 35 USC § 101 as being directed to non-statutory subject matter. In particular, the Office Action asserts that claims 18-25 are intended to encompass propagated signals. Applicant respectfully submits that there was no intent to claim non-statutory subject matter. Thus, Applicant has amended the specification as detailed above to remove the reference to the various forms of propagated signals in the first paragraph of page 7 as noted in the Office Action to clarify that only statutory subject matter was intended to be covered by the claims. Entry of the specification amendment and withdrawal of the 35 U.S.C. § 101 rejection is respectfully requested.

§102 Rejection of the Claims

Claims 1-25 were rejected under 35 USC § 102(b) as being anticipated by Baror et al. (U.S. 5,438,670; hereinafter "Baror"). Applicant respectfully traverses the rejections of claims 1-25 because Baror fails to teach the elements of the claims arranged in the manner as claimed.

"Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

As stated above, Applicant respectfully traverses the rejections of claims 1-25 because Baror fails to teach the elements of the claims arranged in the manner as claimed. For example, independent claim 1 recites: "creating a second set of one or more write instructions, *in response to the aborting.*" *Emphasis added.* In contrast, Baror, as cited in the Office Action does describe an abort and virtual to physical address translation, but fails to describe any actions taken in response to an abort. As a result, even if Baror were to disclose all of the elements, which

Applicant does not admit, Baror fails to teach the elements of independent claim 1 arranged as in the claim. In particular, Baror fails to teach or suggest creating a second set of one or more write instructions in response to the aborting as arranged in independent claim 1.

Applicant further submits Baror fails in an identical manner to teach or suggest the elements of the remaining independent claims 5, 9, 14, 18, and 22. (Note that claim 14 is amended to clarify the patentable nature of the claim.) For example:

Independent claim 5 provides, in part with *emphasis* added:

“performing the following *in response to the abort indication*,
creating multiple write instructions suited for transmission
over an expansion bus; and
executing the multiple write instructions.”

Independent claim 9 provides, in part:

“a processor core to receive the abort indication from the memory management unit and to execute instructions, the processor core including an abort handler to create new instructions *in response to receipt of the abort indication*, wherein the new instructions are the width of an expansion bus.”

Independent claim 14, as amended, provides, in part:

“a processor core to receive an abort indication, wherein the processor core includes an abort handler which *in response to receipt of an abort indication* is operable to create new write instructions suited for transmission over an expansion bus;”

Independent claim 18 provides, in part:

“*in response to the aborting*, creating a second set of one or more write instructions, wherein the write instructions of the second set are the width of an expansion bus;”

Independent claim 22 provides, in part:

“receiving the abort indication, and
creating multiple write instructions suited for
transmission over an expansion bus; and
executing the multiple write instructions.”

Note that in independent claim 22, the creating and executing, as claimed, are dependent upon the receiving of the abort indication.

Thus, Applicant respectfully submits that all of the independent claims 1, 5, 9, 14, 18, and 22 are patentable over Baror. Claims 2-4, 6-8, 10-13, 15-17, 19-21, and 23-25 depend

directly or indirectly form patentable independent claims 1, 5, 9, 14, 18, and 22 and are patentable for at least the same reasons.

Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejections and allowance of claims 1-25.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that claims 1-25 are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 349-9592) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, Minnesota 55402
(612) 349-9592

By *Ann M. McCrackin*
Ann M. McCrackin
Reg. No. 42,858